

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ASHLEY FLEEKES,

Plaintiff,

vs.

Case No. 08-CV-13135
HON. GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____/

ORDER ACCEPTING REPORT AND RECOMMENDATION (# 11)
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (# 10),
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (# 8), AND
DISMISSING PLAINTIFF'S CLAIM

This matter is before the court on the parties' cross-motions for summary judgment as to plaintiff Ashley Fleeks' claim for judicial review of defendant Commissioner of Social Security's denial of her application for Childhood Supplemental Security Income and Adult Supplemental Security Income benefits premised on depression and the absence of a left arm below the elbow. The matter was referred to Magistrate Judge R. Steven Whalen, who issued a seventeen-page Report and Recommendation on June 19, 2009 recommending that defendant Commissioner's motion be granted, that Fleeks' motion be denied, and that Fleeks' claims be dismissed on concluding there is substantial evidence in the record to support the denial of benefits. The Magistrate Judge also determined that remand was unwarranted. Fleeks has not filed objections to the Report and Recommendation. See 28 U.S.C. § 636(b)(1). The court has reviewed the Report and Recommendation, and in the

absence of timely objection,

The court hereby adopts Magistrate Judge Whalen's June 19, 2009 Report and Recommendation. Plaintiff Fleeks' motion for summary judgment is hereby DENIED. Defendant Commissioner of Social Security's motion for summary judgment is hereby GRANTED. Plaintiff Fleeks' claim is hereby DISMISSED.

SO ORDERED.

Dated: July 13, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
July 13, 2009, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk